

SEVENTIETH DAY

(Monday, May 30, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fly	Phillips
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

Absent—Excused

Ratliff Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation, as follows:

"Our Father, we thank Thee for these Senators, their constructive thinking, and faithful performance of their duty. Give them Thy peace; make them happy and useful in Thy service; and may their labors here be as bread cast upon the waters, to be found after many days. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 27, 1955, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of important business on motor of Senator Hardeman.

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Ashley.

Reports of Standing Committees

Senator Colson submitted the following report:

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 826, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Fly submitted the following report:

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 948, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

Supplement to Conference Committee Report on House Bill 140

Senator Martin submitted the following supplemental Conference Committee Report on H. B. No. 140 (the text of report to be printed in a supplement to the Journal):

Committee Room,
Austin, Texas,
May 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on H. B. 140, beg leave to report further as follows:

Since the main body of our report was made available approximately one week ago, our attention has been called to several items which obviously need correction for various reasons. We are submitting herewith a Supplement to the Main Report.

In the preparation of a Conference Report on so large and complicated a measure as the General Appropriation Act, it is exceedingly difficult to detect and correct all of the mechanical errors and incompleteness therein, and to reconcile fully the various items and provisos.

Often in the past such corrections

have been made by a concurrent resolution, adopted after the approval of the Conference Report, but we believe the membership of the two Houses should be fully informed as to all of the provisions contained in the bill before consideration and action thereon.

In filing this Supplement, the Committee submits substitutes for certain designated pages in the Main Report, properly identified, and officially withdraws from your consideration the corresponding pages in the Main Report. Your committee recommends the passage of H. B. 140 in the form as presented in the Main Report with substitute pages as contained in this Supplement.

Respectfully submitted,
SMITH of Hays
SAYERS
SEELIGSON
OSBORN
BRADSHAW

On the part of the House.

MARTIN
LOCK
AIKIN
SHIREMAN
FLY

On the part of the Senate.

The report was read.

**Supplement to Conference Committee
Report on House Bill 140 Ordered
Not Printed**

On motion of Senator Martin, and by unanimous consent, the text of the supplement to the Conference Committee report on H. B. No. 140 was ordered not printed in the Journal.

Senate Concurrent Resolution 76

Senator Aikin offered the following resolution:

S. C. R. No. 76, Recalling S. B. No. 145 from the Governor's office for certain correction.

Whereas, Senate Bill No. 145 has passed the Senate and the House and is now in the Governor's office; and

Whereas, A certain correction needs to be made; therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Governor be and he is hereby respectfully requested to return Senate Bill No. 145 to the Senate for correction; and that the President of the Senate and the Speaker of the House be authorized to remove their

signatures from said bill; and, be it further

Resolved, That the Enrolling Clerk of the Senate be and she is hereby instructed to change Section 17 of said Senate Bill No. 145, said section being the repealing section, so that it will read as follows:

"Section 17. All laws in conflict herewith are hereby repealed to the extent of such conflict only; provided that the present authority resting with the Central Education Agency in the matter of teacher education and teacher certification shall be left with that agency."

And, be it further Resolved, That the Enrolling Clerk of the Senate be and she is hereby instructed to make the necessary corrections in the caption to comply with this resolution.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 77

Senator Fly offered the following resolution:

S. C. R. No. 77, Recalling S. B. No. 10 from the Governor's office for certain corrections.

Whereas, Senate Bill No. 10 has passed the Senate and House and is now on the Governor's desk; and

Whereas, Senate Bill No. 10 contains a typographical error in that the word and figures "Article 1538h" as the same appear in the last line of subparagraph (c) of Article 1538h as amended by Sec. 1 of said bill should read "Article 1538b"; and

Whereas, The Senate, the House of Representatives concurring, desires that the Governor return said bill to the Senate to the end that said typographical error may be corrected by the Enrolling Clerk of the Senate; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Governor be and he is hereby requested to return Senate Bill No. 10 to the Senate for correction; and, be it further

Resolved, That the Enrolling Clerk of the Senate be and is hereby instructed to make such corrections in said Senate Bill No. 10 by changing the word and figures "Article 1538h" as the same appears in the last line of subparagraph (c) of Article 1538h as amended by Sec. 1 of said bill to read "Article 1538b."

The resolution was read.

On motion of Senator Fly and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 78

Senator Aikin offered the following resolution:

S. C. R. No. 78, Requesting study of feasibility of a special retirement program for personnel in State-supported institutions of higher education.

Whereas, The Legislature has passed Senate Joint Resolution No. 5 which submits to a vote of the people at the general election in November, 1956, a proposal authorizing a substantial revision of the teacher retirement program of the State; and

Whereas, Legislation has also been passed which would provide for the contingent implementation of the proposals contained in Senate Joint Resolution No. 5; and

Whereas, The proposed revision of the teacher retirement program may not meet fully the needs of college teaching personnel in the State-supported institutions of higher education; and

Whereas, in every instance where referendums on Social Security coverage have been held at State-supported institutions of higher education, the vote has been overwhelmingly in favor of Social Security coverage; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the governing boards of the State-supported institutions of higher education with the Texas Commission on Higher Education study the feasibility of establishing within the framework of the teacher retirement program of the State, a special retirement program designed to meet the special needs of personnel in the State-supported institutions of higher education and as part of that study to investigate the feasibility of establishing a joint retirement program consisting in part of coverage in the teacher retirement program of the State, and in part, of coverage in the Social Security program; that the officials of the Teacher Retirement System cooperate in this study; and, that each institution of higher education is hereby authorized to pay its proportionate cost of this study as determined by the governing boards from the item "General Operating Expenses" in H. B. 140.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

**Conference Committee on
House Bill No. 663**

Senator Secrest called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 663 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators, Secrest, Wagonseller, Aikin, Rogers of Travis and Bracewell.

Senate Resolution 403

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of Baird, Callahan County, Texas, and their very outstanding instructors, Mrs. Archie Nichols and Mrs. Frankie Crow; and

Whereas, These students are on an educational tour of the Capitol, therefore, be it

Resolved, By the Senate of Texas, that they be welcomed and properly recognized.

The resolution was read and was adopted.

On motion of Senator Wagonseller and by unanimous consent, the students and teachers were presented to the members of the Senate.

**Senate Bill 286 with House
Amendments**

Senator Lock called S. B. No. 286 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lock moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Lock, Bracewell, Fly, Hardeman and Parkhouse.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 43, Granting Frank M. Hill, of Neosho County, Kansas, permission to sue the State of Texas.

S. C. R. No. 56, Granting M. H. Reed and W. T. Caswell of Austin, Travis County, Texas, permission to sue the State.

(With amendment.)

S. C. R. No. 72, Authorizing Northern Natural Gas Company to sue the State of Texas.

The House refused to concur in Senate amendments to House Bill No. 724 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The House has adopted the Conference Committee report on House Bill No. 140 by a vote of 94 ayes, 47 noes, and one present, not voting.

S. B. No. 282, An act amending Article 2911 of the Revised Civil Statutes of Texas to provide certain studies to be elective; and declaring an emergency.

(With amendments.)

Respectfully submitted,

DOROTHY HILLMAN,
Chief Clerk, House of Representatives.

Conference Committee on House Bill 709

Senator Rogers of Travis called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 709 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Rogers of Travis, Corbin, Wagonseller, Martin, and Secrest.

House Bill 485 on Second Reading

On motion of Senator Rogers of Childress and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 485, A bill to be entitled "An Act amending House Bill No. 420, Acts, Regular Session of the Forty-seventh Legislature, 1941, page 893, Chapter 551, by amending Section 2 thereof, providing for a classification of 'primary noxious weed seeds' and 'secondary noxious weed seeds'; and by amending Section 3 thereof as amended by House Bill No. 100, Acts, Regular Session of the Fifty-third Legislature, 1953, page 744, Chapter 292, providing that primary and secondary noxious weed seeds be shown at a rate per pound; and by amending Section 4 thereof, providing for a nine-month period within which a germination test must have been completed on agricultural or vegetable seed entering commerce; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 485 on Third Reading

Senator Rogers of Childress moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 485 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Lane
Ashley	Latimer
Bracewell	Lock
Fly	Martin
Fuller	Moffett
Hardeman	Moore
Hazlewood	Owen
Kazen	Parkhouse
Kelley	Phillips

Roberts	Shireman
Rogers	Strauss
of Childress	Wagonseller
Rogers of Travis	Willis
Secrest	

Absent

Colson	McDonald
Corbin	

Absent—Excused

Ratliff	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Ashley	Moore
Bracewell	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
Moffett	Willis

Nays—1

Aikin

Absent

Colson	McDonald
Corbin	

Absent—Excused

Ratliff	Weinert
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House Bill 948 Ordered Not Printed

On motion of Senator Ashley and by unanimous consent H. B. No. 948 was ordered not printed.

Senate Concurrent Resolution 56 with House Amendments

Senator Hardeman called S. C. R. No. 56 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the resolution:

Senators Hardeman, Moore, Rogers of Travis, Strauss and Wagonseller.

Senate Bill 247 with House Amendments

Senator Willis called S. B. No. 247 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Vote

Senator Fuller asked to be recorded as voting "nay" on the motion to concur in the House amendments to S. B. No. 247.

Meeting of Committee on Criminal Jurisprudence

On motion of Senator Kazen, and by unanimous consent, a meeting of the Committee on Criminal Jurisprudence was held while the Senate was in session.

House Bill 666 on Second Reading

On motion of Senator Rogers of Travis, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 666, A bill to be entitled "An Act providing for coverage of State employees under the Old Age and Survivors Insurance provisions of the Federal Social Security Act; defining terms; providing for the administration of this Act; providing for contributions and pay roll deductions; making allocations and appropriations; creating a special fund to be known as the State Social Security Administration Fund and providing for its administration; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Rogers of Travis offered the following amendment to the bill:

Amend Sec. 2, page 3, by striking out the period after the word "Act" in line 2 and add the following:

"and the Executive Director of the Department shall make the best possible contractual arrangement with the Federal agency."

The amendment was adopted.

On motion of Senator Rogers of Travis, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

House Bill 666 on Third Reading

Senator Rogers of Travis moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 666 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent

Corbin Latimer

Absent—Excused

Ratliff Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 404

Senator Ashley offered the following resolution for Senator Ratliff:

Whereas, We are honored today to have in the gallery of the Senate students of the Seventh and Eighth Grades of the Elmdale School, Abi-

lene, Texas, Taylor County, accompanied by their teacher and sponsor, Mr. Foster, Mr. Medlin and the principal, Mr. Hays; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

RATLIFF
ASHLEY

The resolution was read and was adopted.

Senator Ashley, by unanimous consent, presented the students, sponsors and teachers to the Members of the Senate.

House Bill 707 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the President laid before the Senate as postponed business H. B. No. 707 on its second reading (the bill having been read second time on Thursday, May 26, 1955, and postponed until 10:30 o'clock a. m. on Monday, May 30, 1955, with an amendment by Senator Aikin pending).

Question—Shall the amendment by Senator Aikin to H. B. No. 707 be adopted?

Senator Aikin, by unanimous consent, withdrew the pending amendment.

Senator Fly offered the following amendment to the bill:

Amend H. B. 707 by adding a new paragraph numbered Section 1, subparagraph 3:

Section (3). Any telephone company operating within the State of Texas shall keep within the State of Texas a complete set of fiscal records on charges, tolls, expenses and other items so that any city, state or other authorized agency may effectively and fairly establish rates.

The amendment was read.

Senator Aikin raised the point of

order that the amendment offered by Senator Fly is not germane in that it concerns rates and seeks to make a new and different provision relating thereto, whereas the bill under consideration pertains to taxes.

The President sustained the point of order.

The bill was passed to third reading.

House Bill 707 on Third Reading

Senator Aikin moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 707 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Shireman
Hazlewood	Strauss
Kazen	Wagonseller
Lane	Willis
Lock	

Nays—5

Latimer	Rogers
Moore	of Childress
Roberts	Secrest

Absent

Corbin	Rogers of Travis
Kelley	

Absent—Excused

Ratliff	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—18

Aikin	Kelley
Ashley	Lane
Bracewell	Lock
Colson	McDonald
Fly	Parkhouse
Fuller	Phillips
Hardeman	Shireman
Hazlewood	Wagonseller
Kazen	Willis

Nays—8

Latimer	Rogers
Martin	of Childress
Moffett	Secrest
Moore	Strauss
Roberts	

Absent

Corbin	Rogers of Travis
Owen	

Absent—Excused

Ratliff	Weinert
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Senate Bill 448 on First Reading

Senator Ashley by unanimous consent, moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent

Corbin

Absent—Excused

Ratliff	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Ashley:

S. B. No. 448, A bill to be entitled "An Act establishing a juvenile board in each county comprising the Second 38th Judicial District; prescribing the membership and powers of each board and providing for compensation of its members; providing an effective date; and declaring an emergency."

To the Committee on Counties and County Boundaries.

Reports of Standing Committees

Senator Kazen, by unanimous consent, submitted the following reports:

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 614, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 247, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Kelley, by unanimous consent, submitted the following report:

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 946, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Senator Fly, by unanimous consent, submitted the following reports:

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was reported S. B. No. 448, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 959, have had

the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

House Bill 946 Ordered Not Printed

On motion of Senator Fly and by unanimous consent H. B. No. 946 was ordered not printed.

Motion to Place House Bill 215 on Second Reading

Senator Shireman asked unanimous consent to suspend the regular order of business and take up H. B. No. 215 for consideration at this time.

There was objection.

Senator Shireman then moved to suspend the regular order of business and take up H. B. No. 215 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—15

Aikin	Moffett
Fly	Moore
Fuller	Roberts
Kazen	Rogers
Lane	of Childress
Lock	Shireman
Martin	Wagonseller
McDonald	Willis

Nays—9

Ashley	Phillips
Bracewell	Rogers of Travis
Hardeman	Secrest
Kelley	Strauss
Parkhouse	

Absent

Colson	Latimer
Corbin	Owen
Hazlewood	

Absent—Excused

Ratliff	Weinert
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Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S. C. R. No. 74, Enrolling Clerk of House directed to present H. B. No. 153 to the Governor.

S. C. R. No. 75, Commending the State Board of Education, the Texas

Education Agency and the Commissioner of Education for leadership in Centennial Celebration of Texas Public Schools.

S. B. No. 126, A bill to be entitled "An Act to abolish the office of County Attorney of Randall County, Texas; creating the constitutional office of Criminal District Attorney for Randall County; providing for the election and tenure of office and prescribing the qualifications, powers, duties, compensation and expenses of said office; providing for the appointment of an assistant and a secretary when necessary and providing for their compensation and prescribing their powers and duties; providing for the appointment of the Criminal District Attorney until the next general election and until his successor shall qualify; etc.; and declaring an emergency."

S. B. No. 78, A bill to be entitled "An Act amending Sections 186 and 193 of the Election Code of the State of Texas (codified as Articles 13.08 and 13.15 in Vernon's Texas Election Code), changing the basis of assessment and the method of payment of the filing fee for candidates for Justice of the Court of Civil Appeals in primary elections."

S. B. No. 290, A bill to be entitled "An Act amending Chapter 470, Acts of the Regular Session of the 45th Legislature, as heretofore amended, pertaining to the Teacher Retirement System of Texas; prescribing the conditions upon which this Act shall become effective as a law; declaring the Act to be severable; and declaring an emergency."

S. B. No. 143, A bill to be entitled "An Act relating to narcotic drugs and barbiturates; amending the Uniform Narcotic Drug Act (Article 725b, Vernon's Penal Code) and the Texas Barbiturate Law, Chapter 413, Acts of the 52nd Legislature (Article 726c, Vernon's Penal Code), by making further provisions relative to drugs administered or dispensed and the maintenance of permanent records thereof; amending provisions of the foregoing statutes; providing for severability; and declaring an emergency."

S. B. No. 264, A bill to be entitled "An Act amending Article 2833, Revised Civil Statutes of 1925, providing that any independent school district which under existing laws se-

lects its own treasurer may in lieu of the treasurers' annual report heretofore required to be filed, file an annual independent audit report prepared and certified by a Texas licensed or certified public accountant; providing the procedure, conditions, nature, minimum requirements of, and time for filing such a permissive audit report; providing for notice of district board's election to file audit report and release of treasurer from filing treasurer report when election is timely made; and declaring an emergency."

S. B. No. 412, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 199, Acts of the 54th Legislature, Regular Session, so as to clarify the powers and authority therein conferred on El Paso County Water Control and Improvement District No. 4; and declaring an emergency."

S. B. No. 438, A bill to be entitled "An Act amending Section 122 of Article 1970, Vernon's Annotated Civil Statutes of the State of Texas, as amended, so as to allow the Commissioners Court of Jefferson County, Texas, to set the salary of the Judge of the County Court of Jefferson County at Law at a figure not less than Eight Thousand (\$8,000) Dollars and not more than Ten Thousand (\$10,000) Dollars per annum; providing a severability clause; repealing all laws in conflict; and declaring an emergency."

S. B. No. 421, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools, acting through its Executive Director, to execute and deliver an instrument granting an easement in certain lands to the San Antonio River Authority for certain purposes upon certain conditions and covenants; and declaring an emergency."

S. B. No. 423, A bill to be entitled "An Act amending Section 2 of House Bill 302, Acts of the Fifty-fourth Legislature, Regular Session, 1955; repealing all laws in conflict with this Act; and declaring an emergency."

S. B. No. 441, A bill to be entitled "An Act providing for the fixing of compensation of judges of district courts in counties in this State which comprise a part of a judicial district consisting of not less than four (4)

counties, of which two (2) of said counties have two (2) or more district courts; providing the manner of payment, establishing a limitation of the amount of such compensation; providing for validity of remaining portion of Act if any part declared unconstitutional; and declaring an emergency."

S. B. No. 446, A bill to be entitled "An Act amending Section 8 of Article XVII, Chapter 184, of the Acts of the 47th Legislature, Regular Session, codified as Article 7065b-8, Vernon's Annotated Civil Statutes, relating to lien of motor vehicles, etc., and declaring an emergency."

S. B. No. 426, A bill to be entitled "An Act abolishing the Special Second District Court of Texas, composed of Angelina, Cherokee, and Nacogdoches Counties; providing for the creation of a permanent judicial district court to be known as the 145th Judicial District Court of Texas, composed of Angelina, Cherokee, and Nacogdoches Counties; etc.; and declaring an emergency."

S. B. No. 263, A bill to be entitled "An Act to amend Chapter 478 of the General and Special Laws of Texas, 45th Legislature, Regular Session, 1937, as amended by Senate Bill No. 461, page 62, Volume I, General Laws, 46th Legislature, Regular Session, 1939, Chapter 301 of the General and Special Laws of the 47th Legislature, Regular Session, 1941, Chapters 155 and 274 of the General and Special Laws of Texas, 48th Legislature, Regular Session, 1943, Chapters 259 and 473 of the General and Special Laws of Texas, 52nd Legislature, Regular Session, 1951, said laws pertaining to Architecture and presently known as Title 10A, Articles 249a and 249b of Vernon's Revised Civil Statutes of the State of Texas so as to amend and revise the Laws of Texas relating to Architects and the Practice of Architecture, and declaring an emergency."

Senate Bill 448 Ordered Not Printed

On motion of Senator Ashley and by unanimous consent S. B. No. 448 was ordered not printed.

Conference Committee Report on House Bill 140

The President laid before the Senate the Conference Committee report on H. B. No. 140.

The report was read.

Question—Shall the Conference Committee report on H. B. No. 140 be adopted?

Recess

Senator Hardeman moved that the Senate stand recessed until 2:30 o'clock p. m. today.

Senator Phillips moved the Senate stand adjourned until 10:30 o'clock a. m. tomorrow.

Question first on the motion by Senator Phillips to adjourn until 10:30 a. m. tomorrow, the motion was lost.

Question next on the motion by Senator Hardeman to recess until 2:30 o'clock p. m. today, the motion prevailed.

Accordingly, the Senate at 11:58 o'clock a. m. took recess until 2:30 o'clock p. m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p. m. today.

Senate Bill 4 with House Amendments

Senator Hardeman called S. B. No. 4 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

House Concurrent Resolution 120 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 120, Requesting the Texas Legislative Council to make a study of the Texas tax structure.

The resolution was read second time and was adopted.

**House Concurrent Resolution 125 on
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 125, House Concurrent Resolution requesting the Texas Legislative Council to study the laws of this State relating to the duties and compensation of city and county officers.

The resolution was read second time and was adopted.

**Senate Bill 277 with House
Amendments**

Senator Bracewell called S. B. No. 277 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bracewell moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Vote

Senator Moffett asked to be recorded as voting "yea" on the concurrence in House amendments to S. B. No. 277.

**House Concurrent Resolution 24 on
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 24, Instructing the Texas Education Agency to coordinate and complete studies now under way by The Texas Research League and the County Superintendent's Association and other interested groups, and to recommend to the Fifty-fifth Legislature specific legislation describing the future role of county school superintendents and ex officio county school superintendents, etc.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted.

Message from the House

Hall of the House of Representatives,

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 77, "Recalling Senate Bill No. 10 from the Governor's desk."

S. C. R. No. 76, "Requesting the Governor to return Senate Bill No. 145 to the Senate for correction."

The House refused to concur in Senate amendments to House Bill No. 53 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

Motion to instruct Conference Committee on H. B. No. 53 to maintain in essence the Carpenter amendment adopted by the House and to make no changes in provisions where there is no difference in the House and Senate bills, as amended, prevailed.

The House has appointed the following conferees on H. B. No. 724: Huffman, Ferrell, Storey, Turman and Lee.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Bills and Resolution Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

H. C. R. No. 173, Suspending the Joint Rules to permit the House to set a Local and Uncontested Calendar for the afternoon or evening of Thursday, May 26, 1955.

H. B. No. 508, A bill to be entitled "An Act providing for the filing of an application to prospect land belonging to the State and the prospect rental payment; providing for the issuance of permits and the term thereof; providing for the filing of an application to lease and the payment therefor; providing for the issuance of leases and the term thereof; providing the royalty to be paid to the State; etc.; and declaring an emergency."

H. B. No. 955, A bill to be entitled "An Act setting forth the manner and form in which stock certificates shall be issued by any corporation

organized under the laws of the State of Texas and how such stock certificates shall be signed; providing for the use of a facsimile corporate seal; providing for the use of facsimile signatures of officers of such corporations on a certificate countersigned by a transfer agent or registered by a registrar, either of which is other than the corporation or employee thereof; and providing for the use of facsimile or printed corporate seal of such corporation on its bonds, debentures and other evidences of indebtedness, and for the use of facsimile signatures of officers authorized to execute such securities when such securities are authenticated by the manual signature of an officer of the corporation or other trustee appointed or named by the indenture of trust or other agreement under which such securities are issued; repealing House Bill No. 306 enacted by the 54th Legislature and signed by the Governor on April 2, 1955; and declaring an emergency."

H. B. No. 841, A bill to be entitled "An Act relating to veterinary medicine and surgery; amending The Veterinary Licensing Act (Article 7465a, Vernon's Revised Statutes) by making further provisions for licensing of veterinarians; and declaring an emergency."

H. B. No. 714, A bill to be entitled "An Act defining and prohibiting unfair practices with a view to preventing the offering for sale or the selling of merchandise below cost for the purpose of injuring, destroying, or substantially lessening competition; providing remedies for violation thereof; establishing a penalty therefor; providing a saving clause; repealing all laws and parts of laws in conflict therewith to the extent of the conflict; and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act amending House Bill No. 705, Acts of the 51st Legislature, Regular Session, 1949, Chapter 538, Page 988, by amending Sections 4 and 5, providing for the reduction in membership of the Council and a reorganization of the Council; providing for the appointment of an Advisory Committee for the Council; clarifying and extending functions of the Executive Committee; providing a repealing clause, a saving clause, and declaring an emergency."

H. B. No. 287, A bill to be entitled "An Act providing for additional compensation for the County Judge of Lubbock County for serving as a member of the County Juvenile Board; naming the fund out of which the additional compensation shall be payable; providing that this Act shall be cumulative of existing laws; providing for a severability clause; and declaring an emergency."

H. B. No. 878, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, of the Constitution, to be known as 'Reagan County Water Supply District'; conferring upon the district the powers of the general laws governing water control and improvement districts where not in conflict with this Act; providing for the governing body of the district; providing for the issuance of bonds and fixing a limitation thereon; providing for refunding bonds; adopting the ad valorem plan of taxation for said District eligible in investments, and exempting the property and the bonds of the District from taxation; finding a benefit; providing a severability clause; and declaring an emergency."

H. B. No. 404, A bill to be entitled "An Act to amend Subsections A(5), A(6), A(9), B(3), B(4), D(4a) and adding paragraph (10) to Subsection B of House Bill 162, Acts 51st Legislature, Regular Session, 1949, Chapter 306, Page 559, so as to amend the definition of a 'subdivision of an underground water reservoir,' contained in said Subsection A(5); to add an additional definition of waste to said Subsection A(6); to amend Subsection A(9) dealing with the exclusion of grazing land while water is being produced only for domestic and stock raising purposes; to authorize underground water districts to require permits for the drilling, equipping and/or completion of water wells, as set forth in said Subsection B(3); to authorize spacing of water wells and regulate production therefrom as set forth in Subsection B(4); to authorize use of certain wells as provided in said Subsection D(4a); and to add an additional paragraph to said Section B to authorize suits by landowners to enjoin and to recover damages and other relief for violation of district rules and regulations; fixing venue for such action, and providing that such rem-

edies shall be accumulative; providing a savings clause; and declaring an emergency."

Conference Committee on House Bill 724

Senator Lane called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 724 and moved that the request be granted.

The motion to grant the request prevailed.

Conference Committee on House Bill 53

Senator Strauss called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 53 and moved that the request be granted.

The motion to grant the request prevailed.

House Bill 328 Re-referred

On motion of Senator Rogers of Childress, and by unanimous consent, H. B. No. 328 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Stock and Stock Raising.

Report of Standing Committee

Senator Rogers of Childress, by unanimous consent, submitted the following report:

Austin, Texas,
May 30, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 328, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS of Childress, Chairman.

House Bill 328 Ordered Not Printed

On motion of Senator Rogers of Childress, and by unanimous consent, H. B. No. 328 was ordered not printed.

Leaves of Absence

Senator Moffett was granted leave of absence for the remainder of the

day on account of important business on motion of Senator Martin.

Senator Corbin was granted leave of absence for the remainder of the day on account of important business on motion of Senator Moore.

Senator Secrest was granted leave of absence for the remainder of the day on account of important business on motion of Senator Rogers of Travis.

Conference Committee Report on House Bill 140

The President laid before the Senate as pending business the Conference Committee Report on H. B. No. 140.

Question—Shall the Conference Committee Report on H. B. No. 140 be adopted?

Senator Phillips raised the point of order that the supplemental Conference Committee Report filed in connection with H. B. No. 140 is not in order and may not be considered.

The President overruled the point of order, stating that the conference Committee Report on H. B. No. 140 includes both the original report and the supplemental report.

(Pending discussion by Senator Phillips of the report, Senator Kelley occupied the Chair.)

(President in the Chair.)

Question on adoption of the Conference Committee Report on H. B. No. 140, the report was adopted by the following vote:

Yeas—18

Aikin	Martin
Ashley	McDonald
Bracewell	Moore
Colson	Owen
Fly	Ratliff
Fuller	Roberts
Kazen	Rogers of Travis
Lane	Shireman
Lock	Wagonseller

Nays—9

Hardeman	Phillips
Hazlewood	Rogers
Kelley	of Childress
Latimer	Strauss
Parkhouse	Willis

Absent—Excused

Corbin	Secrest
Moffett	Weinert

Reason for Vote on Conference Committee Report on House Bill 140

I am voting against this appropriation bill because it reflects, in many instances, a total lack of thoughtful preparation or considered judgment, and is in many instances unfair and inequitable to various branches of our State government. I am strongly suspicious that personalities have entered into the writing of this appropriation bill which prevents it from providing an equal and fair distribution of the services that need to be rendered to the State. Specifically, I refer to the limited, rather trivial and most inadequate appropriation granted to the Texas Civil Judicial Council which is doing one of the most worthwhile pieces of work for our judiciary in Texas; to our "Texas Marketing Service," which receives an appropriation for only one year. In this connection, I want to say that without it, Texas farmers and ranchers cannot have any authoritative knowledge as to the prices of cattle, and without this service quoted prices have differed as much as 5¢ per pound. I further refer to the wholly inadequate appropriation for one of the mental hospitals that has just been completed. Two very conservative members of the hospital board have stated it would be impossible to operate this mental institution on appropriations granted. In other instances, the bill is more than generous. Under our rules, a free conference report cannot be amended, and I vote against it with the hope that it be sent back to the Conference Committee for further consideration, and to the end that an appropriation bill that is fair to all state services may be returned to us for our consideration and adoption.

HAZLEWOOD

House Joint Resolution 11 on Third Reading

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 11 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business

and take up H. J. R. No. 11 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Lock
Bracewell	Martin
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Rogers of Travis
Kazen	Shireman
Kelley	Wagonseller
Lane	Willis
Latimer	

Nays—5

Ashley	Roberts
McDonald	Rogers
Moore	of Childress

Absent

Strauss

Absent—Excused

Corbin	Secrest
Moffett	Weinert

The President laid before the Senate on its third reading the following resolution:

H. J. R. No. 11, Proposing an amendment to Article I of the Constitution of the State of Texas by adding thereto another section following Section 15, conferring on the Legislature the authority to regulate lunacy proceedings and to provide for waiver of trial by jury where the person under inquiry has not been charged with commission of a criminal offense.

The resolution was read third time.

(Senator Hardeman in the Chair.)

Question—Shall H. J. R. No. 11 be finally adopted?

Adjournment

On motion of Senator Ashley, the Senate, at 5:21 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
H. C. Noelke, Jr.

Senator Hardeman offered the following resolution:

(Senate Resolution 402)

Whereas, H. C. Noelke, Jr., of Sheffield, Pecos County, Texas, was called from his earthly labors on May 27, 1955; and

Whereas, After his graduation from A. and M. College he engaged in the ranching business with his father until he entered military service in World War II. Upon his discharge he continued his ranching interests and was known as one of the best exhibitors of Rambouillet and Corriedale sheep in the Southwest, having shown many champions at leading livestock shows; and

Whereas, Mr. Noelke recently had been re-elected President of the San Angelo Fat Stock Show and Rodeo Association and had served as President of the American and Texas Corriedale Associations and as a director of the Texas Sheep and Goat Raisers Association and of the West Texas Wool and Mohair Association of Mertzon, Texas, and was a leader in soil and water conservation practices; and

Whereas, This outstanding young West Texan is survived by his wife and two children, namely, Herbert C. Noelke III and Frieda Kay Noelke; his mother, Mrs. H. C. Noelke, Sr.; and a sister, Mrs. Thomas Thigpin; and

Whereas, It is the desire of the Senate of Texas to express its sympathy to the family of Mr. Noelke, Jr.; now, therefore, be it

Resolved by the Senate of Texas, That its sympathy be and the same is hereby extended the surviving members of Mr. Noelke's family and that the Secretary of the Senate send copies of this resolution, under the seal of the Senate, to them.

The resolution was read and was adopted by a rising vote of the Senate.